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CANCELED*

36. (Once Amended) The method of claim 35 wherein in the step

of providing the preformed sleeve, the preformed sleeve further comprises an upper portion detachable via a detaching element in the preformed sleeve.

REMARKS

This is intended to be a complete response to the Office Action mailed May 13, 2002 in which renumbered claims 1-36 were rejected. Claims 1, 12-24, 31-33, and 35-36 have been amended. Claims 11, 25-30 and 34 have been canceled.

Rejection under 35 U.S.C. § 112 ¶ 2

Renumbered claims 22 and 23 were rejected as having incorrect dependency. Claims 22 and 23 have now been amended to depend from claim 21. The dependency of other dependent claims has also been amended to make their dependency consistent with the renumbering of the independent claims.

In view of the above, applicant respectfully requests reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 112 ¶ 2.

Double-Patenting

Claims 1-36 have been rejected under the judicially-created doctrine of obviousness-type double patenting over U.S. Patent No. 6,105,310. Applicant has submitted herewith a terminal

disclaimer over U.S. Patent No. 6,105,310 thereby mooting the rejection.

Rejection under 35 U.S.C. § 102(b)

Claims 1, 7, 8-10, 21, 23, 24, 25, 27, and 29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ottenwalder et al. (U.S. Patent No. 5,117,584).

Applicant has amended the claims to indicate that the lower end is closed in the flattened condition, unlike Ottenwalder which describes a sleeve which does not have a closed lower end in the flattened condition. In view of the above, applicant respectfully requests reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 102(b).

Rejection under 35 U.S.C. § 103(a)

Claims 3-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ottenwalder et al. (U.S. Patent No. 5,117,584).

Applicant respectfully traverses the rejection for the same reasons provided in the response to the rejection under 35 U.S.C. § 102(b). Ottenwalder does not teach a sleeve having a closed lower end in the flattened condition. In view of the above, applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a).

Applicant has also amended claims 1, 12, 21, 31 and 35 to delete language from the claims which applicant believes is not necessary to distinguish the claims over the art.

Marked-up Version of Claims

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made".

CONCLUSION

Applicant respectfully submits the claims are now in a condition for allowance and respectfully requests issuance of a Notice of Allowance.

Respectfully submitted,


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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

1. (Twice Amended) A preformed sleeve for covering a pot having an upper end, a lower end, and an outer peripheral surface, comprising:

a base portion having an upper end, a closed lower end, and an interior space when opened, the base portion initially having a flat condition prior to being opened for receiving the pot into the interior space and having a tapered shape when in the flat condition;

a skirt portion extending from the upper end of the base portion; and

a plurality of substantially unconnected, vertically oriented, expandable folds in the base portion, and wherein when the pot is disposed within the interior space of the base portion **[and pressure is exerted on the base portion by the pot]**, the expandable folds in the base portion expand to cause the base portion to cover and surround the outer peripheral surface of the pot.

12. (Twice Amended) A preformed sleeve for covering a pot having an upper end, a lower end, and an outer peripheral surface, comprising:

a lower portion having an upper end, a lower end having a bottom, and an interior space when opened, the lower portion initially having a flat condition prior to being opened for receiving the pot into the interior space and having a tapered shape when in the flat condition;

an upper portion extending from the lower portion and which is detachable therefrom via a detaching element; and

a plurality of substantially unconnected vertically oriented, expandable folds in the lower portion and wherein when the pot is disposed within the interior space of the lower portion **[and pressure is exerted on the lower portion by the pot]**, the expandable folds in the lower portion expand to cause the base portion to cover and surround at least a portion of the outer peripheral surface of the pot.

13. (Twice Amended) The preformed sleeve of claim **[13] 12** wherein the upper portion is further defined as being sized to

substantially surround and enclose a floral disposed within the pot.

14. (Twice Amended) The preformed sleeve of claim [13] 12 further defined as constructed from a material having a thickness in a range of from about 0.1 mil to about 30 mils.

15. (Twice Amended) The preformed sleeve of claim [13] 12 further defined as constructed from a material selected from the group consisting of treated or untreated paper, metal foil, polymeric film, non-polymeric film, cardboard, fiber, cloth, burlap, and laminations or combinations thereof.

16. (Twice Amended) The preformed sleeve of claim [13] 12 wherein the extendable folds are selected from the group consisting of pleats, folds each having a z-shaped cross section, or accordion-type folds.

17. (Twice Amended) The preformed sleeve of claim [13] 12 further comprising a portion for serving as a handle or support device.

18. (Twice Amended) The preformed sleeve of claim [13] 12 wherein the lower portion has a drainage hole.

19. (Twice Amended) The preformed sleeve of claim [13] 12
wherein the plurality of extendable folds are continuous.

20. (Twice Amended) The preformed sleeve of claim [13] 12
wherein the bottom of the lower end of the lower portion is
closed.

21. (Twice Amended) A method of covering a pot having an
upper end, a lower end, and an outer peripheral surface,
comprising the steps of:

providing a preformed sleeve comprising:

a base portion having an upper end, a closed lower end
, and an interior space when opened, the base
portion initially having a flat condition prior to
being opened for receiving the pot into the
interior space and having a tapered shape when in
the flat condition,

a skirt portion extending from the upper end of the
base portion, and

a plurality of substantially unconnected, vertically
oriented, expandable folds in the base portion;
and

disposing the pot into the interior space of the base
portion [**wherein pressure is exerted upon the base**

portion by th pot] causing the expandable folds in the base portion to expand to cause the base portion to cover and surround at least a portion of the outer peripheral surface of the pot.

22. (Twice Amended) The method of claim [20] 21 wherein in the step of providing a preformed sleeve, the preformed sleeve further comprises an upper portion extending from the skirt portion and which is detachable therefrom via a detaching element.

23. (Twice Amended) The method of claim [20] 21 wherein in the step of providing a preformed sleeve the plurality of expandable folds are continuous between the base portion and the skirt portion.

24. (Twice Amended) The method of claim [23] 22 wherein in the step of providing the preformed sleeve the upper portion is sized to substantially surround and enclose a floral grouping disposed within the pot.

31. (Once Amended) A preformed sleeve for covering a pot having an upper end, a lower end, and an outer peripheral surface, comprising:

a base portion having an upper end, a closed lower end, and an interior space when opened, the base portion initially having a flat condition prior to being opened for receiving the pot into the interior space and having a tapered shape when in the flat condition; and

a plurality of substantially unconnected, vertically oriented, expandable folds in the base portion[, and wherein when the pot is disposed within the interior space of the base portion and pressure is exerted on the base portion by the pot, the expandable folds in the base portion expand to cause the base portion to cover and surround at least a portion of the outer peripheral surface of the pot].

32. (Once Amended) The preformed sleeve of claim [26] 31 further comprising an upper portion detachable via a detaching element.

33. (Once Amended) The preformed sleeve of claim [26] 31 wherein the plurality of expandable folds further comprises a plurality of pleats, a plurality of folds each having a z-shaped cross section, or a plurality of accordion-type folds.

35. (Once Amended) A method of covering a pot having an upper end, a lower end, and an outer peripheral surface, comprising the steps of:

providing a preformed sleeve comprising:

a base portion having an upper end, a closed lower end, and an interior space when opened, the base portion initially having a flat condition prior to being opened for receiving the pot into the interior space and having a tapered shape when in the flat condition; and a plurality of substantially unconnected, vertically oriented, expandable folds in the base portion; and

disposing the pot into the interior space of the base portion of the preformed sleeve [**wherein pressure is exerted upon the base portion by the pot causing the expandable folds in the base portion to expand to cause] wherein** the base portion [**to cover and surround] covers and surrounds** at least a portion of the outer peripheral surface of the pot.

36. (Once Amended) The method of claim [30] 35 wherein in the step of providing the preformed sleeve, the preformed sleeve

further comprises an upper portion detachable via a detaching element in the preformed sleeve.